

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALESSI EQUIPMENT, INC., Plaintiff, -against- AMERICAN PILEDRIVING EQUIPMENT, INC. Defendant	DOCKET NO. 7:18-cv-03976-JCM <u>AMENDED EXHIBIT LIST FOR PRETRIAL ORDER</u>
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Pursuant to Federal Rule of Civil Procedure 16, and this Court's separate order, the Plaintiff, Alessi Equipment, Inc. ("Alessi") submits the following amended exhibit list and the accompanying physical Exhibits:

PLAINTIFF'S EXHIBITS¹

Exhibit	Item	Description
PX-1	Amended Complaint	Plaintiff's Amended Complaint to which Summary Judgment was granted-Copy attached
PX-2	Defendants Answer	Defendant's Answer to Amended Complaint Copy attached
PX-3	September 9, 2004 Fax and September 1, 2004 Agreement	2004 Agreement between APE and Alessi
PX-4	May 22, 2017 Agreement	Controlling Agreement
PX-5	February 18, 2021 Letter Cancelling the May 22, 2017 Agreement	Cancellation Notice-End Date of Relationship February 18, 2023
PX-6	Plaintiff's Demand for Interrogatories	Copy attached
PX-7	Defendants Response to Plaintiff's Interrogatories	Copy attached
PX-8	November 25, 2020 Response to Post Deposition Discovery	Includes Purported Sales of Qualifying Equipment and was a response to discovery demands made at deposition. Copy attached

¹ The bolded exhibits and descriptions address the objections specifically made by APE in their submissions to the Court. Plaintiff produced its files in the manner in which they were maintained and do not contain bates stamp numbers. However, the documents are provided herewith for the Court's consideration.

PX-9	Spreadsheet of Parts Sales produced by APE	APE004935-APE004942 Document Production
PX-10	Sales Invoice to Alessi from APE	Dated 12/16/2008 Bates Stamped APE 4
PX-11	APE Invoice SI-04947	(Sale of APE 64X Vibro to Lalonde Equipment Dated 2/1/2013 Bates Stamped APE 16
PX-12	APE Invoice E-603214	Sale of APE 20E Vibro to Geotech Foundation dated 6/25/2018 Bates Stamped APE 17
PX-13	APE Invoice E-602780	Sale of APE 20E Vibro to Curtis Contracting Inc. Dated 11/30/2015 Bates Stamp APE 20
PX-14	Sales Invoice to Alessi	Dated 9/26/2011 Bates Stamp APE 21
PX-15	APE Invoice E-602097	Sale of Robovib to Adams European Contracting Dated 7/19/2013 Bates Stamp APE 24
PX-16	APE Invoice E-601920	Sale of Robovib to Alessi Dated 10/31/2012 Bates Stamp APE 26
PX-17	APE Invoice E-601985	Sale of Robovib to Alessi Dated 2/25/2013 Bates Stamp APE 27
PX-18	APE Invoice E-601862	Sale of APE 100E Vibro to Simpson & Brown Dated 8/13/2012 Bates Stamp APE 28
PX-19	APE Invoice E-601869	Sale of APE 100E Vibro to GLF Construction Dated 8/20/2012 Bates Stamped APE 29
PX-20	APE Invoice E-603094	Sale of APE 50E Vibro to 2028292 Alberta Ltd Dated 3/31/2017 Bates Stamp APE 30
PX-21	APE Invoice E-602277	Sale of APE 50E Vibro to Alessi Dated 12/31/2013 Bates Stamp APE 31
PX-22	APE Invoice E-602015	Sale of Robovib to Guide Equipment Rentals Dated 3/29/2013 Bates Stamp APE 32
PX-23	APE Invoice E-602058	Sale of APE 64X Vibro to TRACSA Dated 5/24/2013 Bates APE 33
PX-24	APE Invoice E-602297	Sale of APE 64X Vibro to HTECC Dated 3/3/2014 Bates Stamp APE 34
PX-25	APE Invoice E-602276	Sale of Robovib to Alessi) Dated 12/30/2013 Bates Stamp APE 35
PX-26	APE Invoice E-602513	Sale of Robovib to Alessi) Dated 12/5/2014 Bates Stamp APE 37
PX-27	APE Invoice E-602552	Sale of Robovib to ECD NY, Inc. Dated 1/24/2015 Bates Stamp APE 38
PX-28	APE Invoice E-602616	Sale of Robovib to Alessi Dated 5/8/2015 Bates Stamp APE 40
PX-29	APE Invoice E-602224	Sale of APE 100E Vibro to BT Construction Dated 12/6/2013 Bates Stamp APE 41
PX-30	APE Invoice E-602506	Sale of APE 100E Vibro to Emin S.A.

		Dated 10/10/2014 Bates Stamp APE 42
PX-31	APE Invoice E-602711	Sale of APE 20E Vibro to KEC Engineering Dated 9/3/2015 Bates Stamp APE 43
PX-32	APE Invoice E-602740	Sale of Robovib to Alessi Dated 10/29/2015 Bates Stamp APE 44
PX-33	APE Invoice E-602740	Sale of APE 100E Vibro to Alessi Dated 10/29/2015 Bates Stamp APE 45
PX-34	APE Invoice E-603105	Sale of APE 50E Vibro to Pearl Realty Management Dated 4/30/2017 Bates Stamp APE 46
PX-35	APE Invoice E-602846	Sale of Robovib to Alessi Dated 1/27/2016 Bates Stamp APE 47
PX-36	APE Invoice E-602878	Sale of Robovib to Alessi Dated 3/31/2016 Bates Stamp APE 48
PX-37	APE Invoice E-602895	Sale of APE 20E Vibro to Geopier Dated 4/4/2016 Bates Stamp APE 49
PX-38	APE Invoice E-602905	Sale of Robovib to Alessi Dated 5/5/2016 Bates Stamp APE 50
PX-39	APE Invoice E-602919	Sale of APE 20E Vibro to Depcom Power Dated 6/2/2016 APE 51 Bates Stamp
PX-40	APE Invoice E-603002	Sale of J&M 23E Vibro to Abbott Electric Dated 10/5/2016 Bates Stamp APE 62
PX-41	APE Invoice E-602817	Sale of APE 15E Vibro to Goetch Foundation Dated 12/31/2015 Bates Stamp APE 94
PX-42	APE Invoice SI-08839	Sale of Robovib to Moncon Inc. Dated 4/12/2018 Bates Stamp APE 96
PX-43	APE Invoice SI-08603	Sale of APE 100E Vibro to Brook Construction Dated 2/7/2018 Bates Stamp APE 97
PX-44	APE Invoice E-603222	Sale of Robovib to Tyler Rental, Inc. Dated 8/1/2018 Bates Stamp APE 98
PX-45	Bill Ziadie 2019 Social Media Posts from Instagram	Suerus Murphy Sales Deposition Exhibit PLAINTIFF 15-17 Copy attached
PX-46	2013 Price List	APE Price List Deposition Exhibit Plaintiff 22 Copy attached
PX-48	2015 Price List Sales and Set up	Deposition Exhibit Plaintiff 24 Copy attached
PX-49	2015 Price List Rentals	Deposition Exhibit Plaintiff Exhibit 25 Copy attached
PX-50	November 2017 Email exchange Cress and Casavant	Deposition Exhibit Plaintiff Exhibit 27 Copy attached
PX-51	January 2016 Email Exchange on rental Kelly Gorosan	Deposition Exhibit Plaintiff 31 Copy attached

PX-52	June Email Exchange on Including APE Logo between Cress and Quale	Deposition Exhibit Plaintiff 36
PX-53	J&M Customer List Forwarded to White by Elfstrom	Deposition Exhibit JW-23
PX-54	Sales Invoice for Mayrich	Invoice 0003606 dated November 18, 2003 sale of APE 100E \$87,174.50 Copy attached
PX-55	APE Invoice to Alessi for 100E model sold to Mayrich	Invoice E-600231 dated 11/10/03 100E \$44,000.00 price to Alessi
PX-56	Sales Invoice for Splitrock	Invoice 0005888 dated 10/15/08 sale of APE 50E \$88,000.00 Copy attached
PX-57	APE Invoice to Alessi for 50E model sold to Splitrock	Invoice ES-00575 dated 10/5/08 50E \$57,028.57 price to Alessi
PX-58	Sales Invoice for Parkview Management	Invoice 9243 dated 9/14/2017 for rebuilt Robovibe \$98,079.38 Copy attached
PX-59	Sales Invoice for New Born Construction	Invoice 0004532 dated 12/12/2005 \$140,887.50 Robovibe Copy attached
PX-60	Sales Order Slip for New Born Construction	12/7/05 Order Slip for \$140,887.50 Copy attached
PX-61	APE Invoice to Alessi for New Born	December 15, 2005 Invoice No N205-580 with price of \$89,900 (\$130,000 with \$40,100 discount)
PX-62	Sales Invoice Files for NY Concrete	Invoice 00005256 dated 6/4/2007 for \$151,725.00 Robovibe and related equipment Copy attached
PX-63	APE Invoice for Robovibe tendered to NY Concrete	Invoice N207-360 dated July 25, 2007 Robovibe \$90,000 price to Alessi Copy attached
PX-64	Sales Invoice Yonkers Construction	Invoice # 8302 dated November 20, 2015 Robovibe 35 \$187,488.75 (Robovibe \$173,000 Additional Equipment \$14,488.75) Copy attached
PX-65	Yonkers Finance Agreement	Payment Financing for \$187,488.75 Copy attached
PX-66	APE Invoice for Robovibe	Invoice ES-03582 Reflecting Price of Robovibe #35 (Robovibe \$125,000 Additional Equipment \$13,500 and discount of \$20,775)
PX-67	Sales Invoice File Abscope Enviro	Invoice 0006983 dated 8/9/2011 for \$178,818.75
PX-68	Sales Invoice APE to Alessi for Abscope Enviro equipment	Invoice N207-360 dated July 27, 2011 Robovibe \$110,775.00 price to Alessi Copy attached

PX-69	Sales Invoice for sale to HC Construction	Alessi Invoice 00004770 dated 6/29/2006 50E to HC Construction \$73,411.25
PX-70	APE Invoice to Alessi sold to HC Construction	APE Invoice N206-353 dated 7/26/2006
PX-71	Email from Elfstrom to Alessi	Dated November 9, 2016 APE Bates Stamp No. 001078
PX-72	Email Exchange Collins Alessi	Dated March 12, 2013 APE Bates Stamp 000928
PX-73	APE Invoice ES-02292	Sale of APE 50E Vibro to Alessi Dated 5/23/2013
PX-75	APE Invoice ES-03405	Sale of APE 100E Vibro to Alessi Dated 8/5/2015
PX-76	APE Invoice SI-100292	Sale of APE 15E Vibro to Northstar Terminal Dated 8/1/2019
PX-77	APE Invoice SI-100167	Sale of APE 50E Vibro to NE Carpenters Apprentice Dated 9/20/2019
PX-78	APE Invoice ERPO-10008	Sale of APE 20E Vibro to Granite Construction Dated 10/9/2020
PX-79	APE Invoice ES-02183	Sale of APE 50 Vibro to Alessi 3/22/2013
PX-80	APE Invoice SI-100292	Sale of APE 15E Vibro to Northstar Terminal Dated 8/1/2019
PX-81	APE Invoice ES-02294	Sale of Robovib to Alessi) Dated 5/25/2013
PX-82	APE Invoice E-603398	Sale or Robovib to Toromont Dated 7/1/2019
PX-83	APE Invoice E-603439	Sale of Robovib to SEMA Construction Dated 11/1/2019
PX-84	APE Invoice E0603610	Sale of Robovib to Alpha Construction Inc. Dated 9/30/2020
PX-85	Equipment Cash Quotation to Alessi	Dated 3/22/2016 WITHDRAWN
PX-86	Equipment Quotation to Alessi	Dated 6/6/2016 WITHDRAWN
PX-87	Alessi Invoice #7091	Sale of APE Robovib to Hydrosphere Construction Dated 1/12/2012 Copy attached
PX-88	Alessi Invoice #7151	Sale of APE 50E Driver Extractor to Benedetto & Sons Dated 3/9/2012 Copy attached
PX-89	Alessi Invoice #7277	Sale of APE 100E Vibro to Urban/Foundation Engineer Dated 6/28/2012

		Copy attached
PX-90	Alessi Invoice #7289	Sale of APE Robovib to Defoe Corp Dated 8/9/2012 Copy attached
PX-91	Alessi Invoice #7298	Sale of APE 50E Vibro to Precise Contracting Dated 8/20/2012 Copy attached
PX-92	Alessi Invoice #7372	Sale of APE 50E Vibro (Rebuilt) to CRL Dated 11/9/2012 Copy attached
PX-93	Alessi Invoice #7398	Sale of APE Robovib to Sevenson Enviro. Services Dated 12/11/2012 Copy attached
PX-94	Alessi Invoice #7475	Sale of APE 100E Vibro to Bedford/Carp Construction Dated 4/2/2013
PX-95	Alessi Invoice #7517	Sale of APE 20E Vibro to JLJ Enterprises Dated 5/21/2013 Copy attached
PX-96	Alessi Invoice #7519	Sale of APE 50E Vibro to Empire Equipment Corp Dated 5/21/2013 Copy attached
PX-97	Alessi Invoice #7705	Sale of APE 50E Vibro to American Pile & Foundation Dated 11/27/2013 Copy attached
PX-98	Alessi Invoice #7722	Sale of APE 150E Vibro to CRL Dated 2/21/2014 Copy attached
PX-99	Alessi Invoice #7723	Sale of APE 50E Vibro to Tomcon Industries Dated 2/21/2014 Copy attached
PX-100	Alessi Invoice #7795	Sale of APE Robovib to Top Grade Excavating NY Dated 4/24/2014 Copy attached
PX-101	Alessi Invoice #7851	Sale of APE Robovib to Halmar International Dated 6/30/2014 Copy attached
PX-101	Alessi Invoice #7879	Sale of APE Robovib (Rebuilt) to General Constructors Dated 8/27/2014 Copy attached

PX-102	Alessi Invoice #7910	Sale of APE Robovib to Northern Construction Dated 10/7/2014 Copy attached
PX-103	Alessi Invoice #8048	Sale of APE Robovib to Grace Industries Dated 3/12/2015 Copy attached
PX-104	Alessi Invoice #8137	Sale of APE 20E Vibro to Sunny Builders Dated 6/8/2015 Copy attached
PX-105	Alessi Invoice #8151	Sale of APE Robovib to RJ Ind Dated 6/25/2015 Copy attached
PX-106	Alessi Invoice #8193	Sale of APE 100E Vibro to Peter Scalmandre & Son Dated 7/24/2015 Copy attached
PX-107	Alessi Invoice #8302	WITHDRAWN
PX-108	89 Alessi Invoice #8310	Sale of APE Robovib to Yonkers Contracting Dated 12/7/2015 Copy attached
PX-109	Alessi Invoice #8527	Sale of APE Robovib to McNamee Construction Dated 7/14/2016 Copy attached
PX-110	Alessi Invoice #9032	Sale of APE Robovib to DiFazio Industries Dated 12/1/2016 Copy attached
PX-111	Alessi Invoice #9052	Sale of APE 100E Vibro to Inter La Peruta JV Dated 1/19/2017 Copy attached
PX-112	Alessi Invoice #9092	Sale of APE 20E Vibro to Excav Services Inc Dated 3/15/2017

		Copy attached
PX-113	Alessi Invoice #9241	Sale of APE Robovib (Rebuilt) to JJID, Inc. Dated 9/11/2017 Copy attached
PX-114	Alessi Invoice #9243	Sale of APE Robovib (Rebuilt) to Parkview Management Dated 9/14/2017 Copy attached
PX-115	Alessi Invoice #9317	Sale of APE Robovib to Concrete Courses Concept Dated 11/30/2017 Copy attached
PX-116	Alessi Invoice #9632	Sale of APE 20E Vibro to CAP Equipment dated - 11/28/2018 Copy attached
PX-117	Alessi Invoice #9735	Sale of APE 50E Vibro (Rebuilt) to Flagge Construction Dated 4/11/2019 Copy attached
PX-118	Alessi Customer List	JW-36
PX-119	Alessi 2009/2010 Sales Folder Marked by Defendant at Deposition	Exhibit 1 Gabrielle Catalogue Deposition
PX-120	Several checks from Alessi to Ziadie, Deemer, Kuzick and maybe Goranson	Plaintiffs Deposition Exhibit 51 Withdrawn
PX-121	2 checks from Alessi to Ziadie (\$400 and \$2100)	Plaintiffs Deposition Exhibit 50
PX-122	Cancelled check 7155 dated 7/7/14	WITHDRAWN
PX-123	Pile Buck Magazine	Plaintiff's Deposition Exhibit 13 Copy attached
PX-124	Invoice to Excav Services	Invoice 9092 for \$58,522.50 Copy attached
PX-125	White Email to Alessi dated August 9, 2011	APE Bates Stamp 003808
PX-126	November 20, 2020 letter supplementing discovery from Defendant's Counsel	Sales Numbers 2012-2019 Should have been stated as November 25, 2022 Copy attached
PX-127	APE Equipment Sale Ledger through 2009	Bates Stamp APE 003297-003299

Date: May 2, 2022



Kristopher M Dennis (Of Counsel)

For the Plaintiff
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